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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,118	03/02/2004	Minoru Urabe	1614.1391	1154
21171	7590	07/31/2009	EXAMINER	
STAAS & HALSEY LLP			MIRZA, ADNAN M	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/790,118

**Applicant(s)**

URABE, MINORU

**Examiner**

ADNAN MIRZA

**Art Unit**

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05/04/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-2,5-9,12-20,23-29,32-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-9,12-20,23-29,32 and 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Office Action***

1. The following action is in response to the amendment filed dated 05/04/2009. Claims 1-2,5-9,12-20,23-29, 32 and 34 are pending in this application. The amended claims dated 05/04/2009 have considered during the following office action.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1,8,15,19,24,28 rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for one ordinary skill in art, does not reasonably provide enablement for "multiplicate usage way". The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to Therefore the invention commensurate in scope with these claims. 1,8,15,19,24,28.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2,5-9,12-20,23-29,32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oe (U.S. 2006/0041614) and further in view of Mitsuoaka et al (U.S. 2003/0154281).

As per claims 1,8,15,19,24,28 Oe disclosed an information processing method for sharing storage areas of respective storage apparatuses of a plurality of servers connected to a communication network there among, comprising the steps of: a) registering the storage areas of the respective storage apparatus of the plurality of servers in a management server; b) managing collectively in said management server the respective storage areas of the storage apparatuses of the respective servers thus registered using four different storage area usage ways including at least one of the single usage way, an integrated usage way a multiplicate usage way and a divided usage way available at the same time (Page. 4, Paragraph. 0057) as one ordinary skill in the art at the time of the invention clearly understands the memory management in the Oe's prior art as providing different storage techniques to store or allocate in different memory locations; c) requesting allocation of the storage area of the storage apparatus thus managed; d) the management server allocating a predetermined one of the storage areas of the storage apparatuses collectively managed in response to the allocation request (Page. 2, Paragraph. 0017); e) requesting the management server to mount the storage area of the storage apparatus thus allocated; f) the management server mounting the storage area of the storage apparatus allocated in said step d) in

response to the mounting request, and transmitting mounting information which indicates this matter as a response (Page. 2, Paragraph. 0101);

However Oe did not disclose in detail g) requesting the server, to which said storage area thus mounted belongs, to access said storage area, according to said mounting information thus transmitted; and h) said server which thus receives the access request accessing the storage area of its own, and transmitting an accessing result as a response.

In the same field of endeavor Mitsuoka disclosed, "A storage system employs an interface controller that uses a block storage protocol via a network, and comprises means to switch interfaces. Accordingly, it is possible to confirm to accesses according to both normal network interface and block-storage interface. Further, since management information is managed in a centralized manner and since means for providing mutual reference and update is employed, it is possibly to carry management form both interfaces with no difference. By enabling handling of logically different interfaces over a physically same medium, such as the equipment network costs in view of system equipment can be reduced. Further by integrating the storage management interface, management costs can also be reduced. By unifying the connection manner of the storage system by means of storage-access interface and the management interface, cost reduction in connection devices and improvement in connectivity with applications can be realized (Page. 4, Paragraph. 0072-0073)"

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to have incorporated a storage system employs an interface controller that uses a block storage protocol via a network, and comprises means to switch interfaces. Accordingly, it is possible to confirm to accesses according to both normal network interface and block-storage interface. Further, since management information is managed in a centralized manner and since means for providing mutual reference and update is employed, it is possibly to carry management form both interfaces with no difference. By enabling handling of logically different interfaces over a physically same medium, such as the equipment network costs in view of system equipment can be reduced. Further by integrating the storage management interface, management costs can also be reduced. By unifying the connection manner of the storage system by means of storage-access interface and the management interface, cost reduction in connection devices and improvement in connectivity with applications can be realized as taught by Mitsuoka in the method and system of OE to carry the management and maintenance of the host computer can be carried out easily.

3. As per claims 2,9,16,20,25,29 Oe-Mitsuoka disclosed further comprising the steps of: i) requesting said management server to unmount the storage area once mounted in said step 1 f); and j) said management server unmounting said storage area

in response to the unmounting request made in said step i) (Mitsuoka, Page. 4, Paragraph. 0052).

4. As per claims 5,12,23,32 Oe-Mitsuoka disclosed wherein: the collective management of the registered storage areas of the storage apparatuses in said management server is performed in said step b) in such a manner that the storage areas are managed as virtual storage areas logically (Mitsuoka, Page. 5, Paragraph. 0067).

5. As per claims 6,13,17,26 Oe-Mitsuoka disclosed wherein: the accessing operation in said step h) comprises at least an initialization operation, information writing operation, information reading operation, an information searching operation and an information deleting operation. (Mitsuoka, Page. 5, Paragraph. 0075)

6. As per claims 7,14,18,27 Oe-Mitsuoka disclosed wherein: said plurality of servers and respective storage apparatuses comprise direct attached storages respectively (Mitsuoka, Page. 5, Paragraph. 0077).

***Response to Arguments***

7. Applicant's arguments filed 05/04/2009 have been fully considered but they are not persuasive. Response to applicant's argument is as follows.

A. Applicant argued that prior art did not disclose, "Using four different storage area usage ways available at the same time".

As to applicant's argument Oe disclosed, "The memory management part 42 carries out management as to which area of the memory device is allocated as a cache for data of the disk apparatus 31, as well as intercepts a message from the control apparatus 2. Then, according to the message contents, the memory management part 42 allows the client apparatus 7 to directly access the memory device 43 so that the relevant data is transferred to the client apparatus 7, Further at this time, the cache apparatus 4 returns a predetermined reply message to the client apparatus 7 (Page. 4, Paragraph. 0057). One ordinary skill in the art at the time of the invention clearly understands the memory management as providing storage in different ways in different sectors of memory.

B. Applicant argued that Oe's cache manager 42 and control apparatus 2 discussions are silent on any "storage use ways" that may be available or occur at a same time.

As to prior art OE disclosed, "The client apparatus according to the second aspect of the present invention can search for the information of the storage location from the



cache area when making an access request for the data for which the storage area is managed by the control apparatus, and, can directly access the cache apparatus so as to have the relevant data transferred thereto without making an access request to the control apparatus from the information stored in the cache area. Further, when the access request is accompanied by writing processing, it is possible to achieve storage data consistency as in the above-described first aspect of the present invention by copying the data once written in the cache apparatus also to the storage apparatus (Page. 2, Paragraph. 0025)". One ordinary skill in the art at the time of the invention knows that storage use way is always available to store data. The data is also stored in two different storage spaces at the same time.

C. Applicant argued that Oe's cache manager and control apparatus discussions can meet the language of claims "different storage area usage ways available at a same time, including one or more of a single usage way an integrated usage way, a multiple usage way and/or a divided usage way".

As to applicant's argument Oe disclosed, "The control apparatus 2 carries out management as to which data is stored in which location in the storage apparatus 3 and in the cache apparatus 4 and also, unitarily accepts an access request received from the client apparatus, and also unitarily accepts an access request received from the client apparatus for data stored in the storage apparatus or in some also in the cache apparatus in principle. Then when the relevant data is stored only in one of the storage

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apparatus and the cache apparatus, the cache apparatus 4, the control apparatus 3 and the cache apparatus 4, the control apparatus 2 requests the cache apparatus 3 to transfer the relevant data (Page. 3, Paragraph. 0050). One ordinary skill in the art at the time of the invention knows that Oe in the above paragraph stored the data in a multiple way since the claim language stated, "Including one or more of a single usage way an integrated, a multiple usage way" therefore having to select one of the usage way.

D. Applicant argued that a Prima facie case of obviousness based upon Oe and Mitsuoka cannot be established.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, as taught by Mitsuoka in the method and system of OE to carry the management and maintenance of the host computer can be carried out easily and also reduce latency.

E. Applicant argued that prior art did not disclose, "registering a plurality of storage usage ways related to storage areas of respective servers in a management table of the management server; and managing the storage areas of respective servers using the registered plurality of storage areas of respective servers using the registered plurality of storage usage ways to share the storage areas among the respective servers".

As to applicant argument Oe disclosed, "Each interface card includes a target channel adapter (TCA) functioning as a network controller, conversion and management part carrying out protocol conversion processing and disk area management processing and SCSI having a function of a disk controller. The conversion management part interprets a message received from the control apparatus (Page. 4, Paragraph. 0055). Where Mitsuoka disclosed, "management interface in the out-of-band mode, configuration information of storage system can be accessed via an SNMP service and/or JAVA RMI server incorporated as an OS application when accessed from the management terminal (Page. 3, Paragraph. 0042).

F. Applicant argued that Oe did not disclose the "collectively managing the respective storage area using different storage usage ways ".

As to applicants interpretation of the claim 1 the Prior art OE disclosed the present invention carries out management as to which data is stored in which location in the

storage apparatus and also in, in some case, in the cache apparatus, and also in some case, in the cache apparatus in principle (Page. 2, Paragraph. 0019).

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Adnan Mirza whose telephone number is (571)-272-3885.

9. The examiner can normally be reached on Monday to Friday during normal business hours. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SRIVASTAVA VIVEK can be reached on (571)-272-7304. The fax for this group is (703)-746-7239. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for un published applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

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Examiner, Art Unit 2445

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